

EXHIBIT A

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Telephone Consumer Protection Act of 1991 (TCPA)

CHESTER C. GRAHAM,
a private individual,

Court File No.

Plaintiff,

vs.

CHARTER COMMUNICATIONS, LLC,
dba SPECTRUM, a Delaware limited
liability company using a Minnesota
assumed name,

Defendant.

SUMMONS

THIS SUMMONS IS DIRECTED TO:

Charter Communications, LLC, dba Spectrum

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The *Complaint* is attached to this *Summons*. Do not throw these papers away. They are official papers that start a lawsuit and affect your legal rights, even if nothing has been filed with the court and even if there is no court file number on this *Summons*.
2. **You must BOTH reply, in writing, AND get a copy of your reply to the person/business who is suing you within 21 days to protect your rights.** Your reply is called an *Answer*. Getting your reply to the Plaintiff is called service. You must serve a copy of your *Answer* or *Answer and Counterclaim* (Answer) within 21 days from the date you received the *Summons and Complaint*.

ANSWER: You can find the *Answer* form and instructions on the MN Judicial Branch website at www.mncourts.gov/forms under the "Civil" category. The instructions will explain in detail how to fill out the *Answer* form.

3. **You must respond to each claim.** The *Answer* is your written response to the Plaintiff's *Complaint*. In your *Answer* you must state whether you agree or disagree with each paragraph of the *Complaint*. If you think the Plaintiff should not be given everything they asked for in the *Complaint* you must say so in your *Answer*.

4. **SERVICE: You may lose your case if you do not send a written response to the Plaintiff.** If you do not serve a written *Answer* within 21 days, you may lose this case by default.

You will not get to tell your side of the story. If you choose not to respond, the Plaintiff may be awarded everything they asked for in their *Complaint*. If you agree with the claims stated in the *Complaint*, you don't need to respond. A default judgment can then be entered against you for what the Plaintiff asked for in the *Complaint*.

To protect your rights, you must serve a copy of your *Answer* on the person who signed this *Summons* in person or by mail at this address:

Chester C. Graham
Plaintiff and Attorney pro se
905 Forest Avenue, Apt. #214
Northfield Mn 55057-1699

5. Carefully read the Instructions (CIV301) for the *Answer* for your next steps.

6. **Legal Assistance.** You may wish to get legal help from an attorney. If you do not have an attorney and would like legal help:

- Visit www.mn.courts.gov/selfhelp and click on the "Legal Advice Clinics" tab to get more information about legal clinics in each Minnesota county.

- Court Administration may have information about places where you can get legal assistance.

NOTE: Even if you cannot get legal help, you must still serve a written *Answer* to protect your rights or you may lose the case.

7. **Alternative Dispute Resolution (ADR).** The parties may agree to or be ordered to participate in an ADR process under Rule 114 of the Minnesota Rules of Practice. You must still serve your written *Answer*, even if you expect to use ADR.

Date: 8/27/2021

Chester C. Graham

Chester C. Graham

Plaintiff and Attorney *pro se*

905 Forest Avenue, Apt. #214

Northfield Mn 5507-1699

Telephone: (507) 403-9014 - cell

Email: chester474@gmail.com

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Telephone Consumer Protection Act of 1991 (TCPA)

CHESTER C. GRAHAM,
an individual,

Court File No.

Plaintiff,

vs.

CHARTER COMMUNICATIONS, LLC,
dba SPECTRUM, a Delaware limited liability
company using a Minnesota assumed name,

Defendant.

COMPLAINT

Preliminary Statement.

1. When Congress enacted the TCPA in 1991, it found that telemarketers called more than 18 million Americans every day. 105 Stat. 2394 at § 2(3).
2. By 2003, due to more powerful autodialing technology, telemarketers were calling 104 million Americans every day. See *In re Rules and Regulations Implementing the TCPA of 1991*, 18 FCC Rcd. 14014, ¶¶ 2, 8 (2003).
3. The problems Congress identified when it enacted the TCPa in 1991 have only grown exponentially in recent years.
4. According to online robocall tracking service "YouMail," 4.62 billion robocalls were placed alone in February of 2021, at a rate of 165.1 billion per day. www.robocallindex.com (last visited March 21, 2021).

5. "Robocalls and telemarketing calls are currently the number one source of consumer complaints at the FCC." Tom Wheeler, *Cutting off Robocalls* (July 22, 2016), statement of FCC Chairman.¹

6. "The FCC received more complaints about unwanted calls than all other complaints combined." Staff of the Federal Trade Commission's Bureau of Consumer Protection, *In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Notice of Proposed Rulemaking, CG Docket No. 02-278, at 2 (2016).²

Introduction.

7. Plaintiff Chester C. Graham brings this action to enforce the consumer-privacy provisions of the Telephone Consumer Protection Act of 1991 ("TCPA"), 47 USC § 227, a federal statute and the Regulations promulgated thereunder by the Federal Communications Commission and found at 47 CFR ¶ 64.1200.

8. The Defendant made pre-recorded telemarketing calls ("robocalls") to Plaintiff's cell telephone using an automated telephone dialing system ("ATDS") and an artificial and/or prerecorded voice without obtaining oral or written prior express consent from the Plaintiff.

¹ <https://www.fcc.gov/news-events/blog/2016/07/22cutting-robocalls>.

² https://www.ftc.gov/system/files/documents/advocacy_documents/comment-staff-ftc-bureau-consumer-protection-federal-communications-commission-rules-regulations/16061robocallscomment.pdf.

9. These calls were made despite the Plaintiff being listed on the National Do Not Call Registry maintained by the Federal Trade Commission (FTC) which violated the TCPA Regulations.

10. The Defendant failed to respond to the Plaintiff demand for a copy of its written policy regarding the National Do Not Call Registry, further violating the TCPA Regulations.

Jurisdiction and Venue.

11. State Courts have jurisdiction over cases arising under the TCPA and the violations complained of occurred in Minnesota.

12. Venue is proper in this Court because the Minnesota Registered Agent of the Defendant is located in Ramsey County.

Parties

Plaintiff

13. Plaintiff Chester C. Graham is a natural person and an adult and at all times relevant resided in the City of Northfield, the County of Rice and the State of Minnesota.

14. Plaintiff has a residential cell telephone with its number ending in 9014.

15. Plaintiff placed his cell telephone number ending in 9014 on the Do Not Call Registry maintained by the Federal Trade Commission (FTC) on May 5, 2021.

16. The May 4, 2021, email to Plaintiff from the Do Not Call Registry confirming this registration is attached hereto as Plaintiff's Exhibit "A."
17. Telemarketers were required to stop calling the Plaintiff 31 days after that registration date - June 5, 2021.

Defendant

18. Defendant Charter Communications, LLC, dba Spectrum is a Delaware limited liability company and Spectrum is a Minnesota assumed name.
19. The Defendant has a principal place of business and executive office address at 12405 Powerscourt Drive., St. Louis MO 63131 and a manager at 400 Atlantic Street, Stamford CT 06901.
20. The Defendant's Minnesota Registered Agent is the Corporation Service Company located at 2345 Rice Street, Suite 230, Roseville MN 55113.
21. The Defendant is a subsidiary of Charter Communications, Inc.
22. The Defendant provided cable and internet services to more than 31 million customers in 41 states, including Minnesota.

Facts

Defendant's Telemarketing Call to Plaintiff

23. Wednesday, June 23, 2021, at 2:59 pm Defendant called Plaintiff's cell telephone.
24. The caller ID feature of the Plaintiff's cell telephone showed the number (585) 577-7350, a so-called "spoof number," which when called

sounded a message, "The number you are trying to call is no longer in service."

25. The Plaintiff will testify he knew the call was autodialed because when he answered he heard an extended pause followed by a "click" or "beep" and a prerecorded and/or artificial voice offered a subscription to the Defendant's services.

26. The Defendant's call was a "telephone solicitation" as defined at 47 U.S.C. § 227(a)(4) of the TCPA and 47 CFR ¶ 64.1200(d)(14).

27. Plaintiff's contemporaneous note made of the details of this call is attached hereto as Plaintiff's Exhibit "B."

28. The Defendant's call to Plaintiff was not made for an emergency purpose; 47 CFR ¶ 64.1200(a)(3)(i).

29. The Defendant's call was not made by or on behalf of a tax exempt nonprofit organization; 47 CFR ¶ 64.1200(a)(3)(iv).

30. The Defendant's call did not deliver a "health care" message made by, or on behalf of, a "covered entity" or its "business associate," as those terms are defined in the HIPAA Privacy Rule, 45 CFR 160, 103. 47 CFR ¶ 64.1200(a)(3)(v).

31. Defendant's use of an ATDS and an artificial and/or prerecorded voice was knowing and willful and not inadvertent or accidental.

32. Plaintiff has not had an "established business relationship" with Defendant as defined at 47 U. S. C. § 227(a)(2) of the TCPA and 47 CFR ¶ 64.1200(d)(5),

33. The Plaintiff has never given the Defendant oral or written prior express consent to call his cell telephone using an ATDS and an artificial and/or prerecorded voice within the meaning of 47 CFR ¶ 64.1200(d)(8).

34. The robocall Defendant made to Plaintiff wasted his time, depleted the battery of his cell telephone, invaded his privacy and aggravated him.

35. The call Defendant made to Plaintiff in violation of the TCPs caused Plaintiff concrete injury.

Plaintiff's Do Not Call Policy Requests to Defendant

36. June 24, 2021, Plaintiff sent letters to Defendant at its principal place of business and its executive office at St. Louis MO requesting a copy of its policy regarding the National Do Not Call Registry maintained by the Federal Trade Commission (FTC).

37. Plaintiff obtained a United States Postal Service (USPS) Certificate of Mailing (COM) for each letter.

38. A copy of the June 24, 2021, letter and the USPS COM for each letter are attached hereto as Plaintiff's Exhibit "C."

39. When Plaintiff did not receive a copy of the Defendant's policy and when the June 24, 2021 letter was not returned to him Plaintiff sent a second request on July 7, 2021.

40. The July 7, 2021, request was sent to the manager of the Defendant at Stamford CT 06901 and its Minnesota registered agent in Roseville MN and its Delaware registered agent in Wilmington DE.

41. The Plaintiff obtained a USPS COM for each of those letters.

42. A copy of the July 7, 2021, letter and the USPS COM are attached hereto as Plaintiff's Exhibit "D."

43. Defendant sent Plaintiff a copy of the policy by letter dated July 14, 2021.

44. A copy of Defendant's policy is attached hereto as Plaintiff's Exhibit "E."

45. Defendant's failure to respond to Plaintiff's first requests was willful and knowing.

Count One.

Willful and Knowing violation of the TCPA

47 U.S.C. § 227(b)(1)(A)(iii) - use of an automatic telephone dialing system (ATDS) to make a telemarketing call to residential cell telephone without oral or written prior express consent.

46. The Defendant's willful and knowing use of an ATDS to call the Plaintiff violated § 227(b)(1)(A)(iii) of the TCPA and entitles Plaintiff to treble damages in the amount of \$1500 pursuant to § 227(b)(3) of the TCPA.

Count Two.

Willful and knowing violation of the TCPA

47 U.S.C. § 227(b)(1)(A)(iii) - use of an artificial and/or prerecorded voice to make a telemarketing call to residential cell telephone without oral or written prior express consent.

47. The Defendant's willful and knowing use of an artificial and/or prerecorded to call the Plaintiff violated § 227(b)(1)(A)(iii) of the TCPA and entitles Plaintiff to treble damages in the amount of \$1500 pursuant to § 227(b)(3) of the TCPA.

Count Three.

**Willful and Knowing violations of regulations under the TCPA
47 CFR ¶ 64.1200(d)(1) - Failure to Provide Policy on Demand.**

48. The Defendant's willful and knowing failure to supply Plaintiff with a policy regarding the Do Not Call Registry maintained by the Federal Trade Commission (FTC) on demand violated 47 CFR ¶ 64.1200(d)(1) of the Regulations promulgated by the FCC under the TCPA and entitles Plaintiff to treble damages in the amount of \$1500 for each demand pursuant to § 227(b)(3) of the TCPA for a total of \$3000.

Demand for Judgment

49. Plaintiff requests an Order of this Court for Defendant to pay Plaintiff \$6000.

50. And for such other and further relief as the Court deems just and necessary.

Date: 8/27/2021

Chester C. Graham
Chester C. Graham
Plaintiff and Attorney pro se
905 Forest Avenue #214
Northfield MN 55057-1699
Telephone: (507) 403-9014 - cell
chester474@gmail.com

Acknowledgement

The undersigned acknowledges that costs, disbursements, witness fees and attorney fees may be awarded pursuant to Minn. Stat. § 529.211.


Chester C. Graham

PLAINTIFF'S EXHIBIT "A"



retsehcmaharg <chester474@gmail.com>

National Do Not Call Registry - Your Registration Is Confirmed

2 messages

Verify@donotcall.gov <Verify@donotcall.gov>
To: chester474@gmail.com

Tue, May 4, 2021 at 11:59 AM

Thank you for registering your phone number with the National Do Not Call Registry. You successfully registered your phone number ending in 9014 on May 05, 2021. Most telemarketers will be required to stop calling you 31 days from your registration date.

Visit <https://www.donotcall.gov> to register another number or file a complaint against someone violating the Registry.

Please do not reply to this message as it is from an unattended mailbox. Any replies to this email will not be responded to or forwarded. This service is used for outgoing emails only and cannot respond to inquiries.

Verify@donotcall.gov <Verify@donotcall.gov>
To: chester474@gmail.com

Tue, May 4, 2021 at 12:43 PM

[Quoted text hidden]

PLAINTIFF'S EXHIBIT "B"

Wednesday 6/23/2021 02:59 PM

585 577-7350

→ The number you are trying to
call is no longer in service
I

Spectrum — click, to unsubscribe
recorded voice ATDS
person cannot

Spectrum is a MN assumed name of
Charter Communications, LLC
12405 Powerscourt Drive
St. Louis MO 63131

PLAINTIFF'S EXHIBIT "C"

**CHESTER CLIFTON GRAHAM
PARK RIDGE #214
905 FOREST AVENUE
NORTHFIELD MN 55057-1699**

June 24, 2021

Charter Communications, LLC dba Spectrum
12405 Powerscourt Drive
St. Louis MO 63131

1st Class U. S. Mail

Dear Charter Communications:

Send me a copy of your policy regarding the National Do Not Call
Registry maintained by the Federal Trade Commission.

Sincerely,

/s/

Chester C. Graham

Cc. - CCG000000



Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing.
This form may be used for domestic and international mail.

From:

G	Chester Graham
	905 Forest Ave.
	Apt. 214
	Northfield, MN 55057

JUN 24 2021

To: **Charter Communications LLC**
460 SPECTRUM
12405 Bourgeois Drive
St. Louis MO 63131

PS Form 3817, April 2007 PSN 7530-02-000-9065



U.S. POSTAGE PAID
NORTHFIELD, MN
55057
JUN 24 21
AMOUNT
\$1.55
R2304N17626-08

PLAINTIFF'S EXHIBIT "D"

Chester Clifton Graham
905 Forest Avenue #214
Northfield MN 55057-1699

July 7, 2021


Charter Communications, LLC
400 Atlantic Street
Stamford CT 06901

1st Class U. S. Mail

Dear Charter Communications:

Send me a copy of your policy regarding the national Do Not Call Registry maintained by the Federal Trade Commission (FTC).

Sincerely,

A handwritten signature in black ink, appearing to be "151" or a stylized version of the name.

Chester C. Graham

cc. - Charter Communications, LLC %
Corporation Service Company
2345 Rice Street, Suite 230
Roseville MN 55113

Charter Communications, LLC c/o
The Corporation Trust Company
1209 Orange Street
Wilmington DE 19801

CCG0000000



Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

To pay fee, affix stamps or meter postage here.

From:

Chester Graham
905 Forest Ave.
Apt. 214
Northfield, MN 55057

To: *Charter Communications, LLC*
c/o Corporation Service Company
2345 Rice St - Ste 230
Roseville MN 55113



PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate Of Mailing

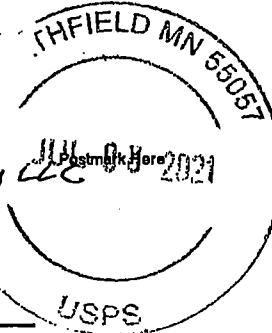
This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

To pay fee, affix stamps or meter postage here.

From:

Chester Graham
905 Forest Ave.
Apt. 214
Northfield, MN 55057

To: *Charter Communications Company LLC*
40 The Corporation Trust
1209 Orange St.
Wilmington DE 19801



PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate Of Mailing

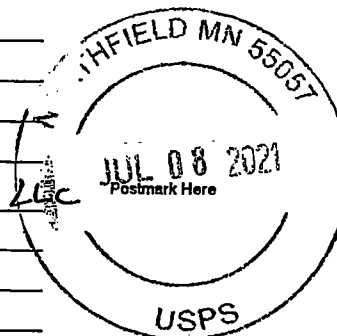
This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

To pay fee, affix stamps or meter postage here.

From:

Chester Graham
905 Forest Ave.
Apt. 214
Northfield, MN 55057

To: *Charter Communications, LLC*
400 Atlantic Street
Stamford CT
06901



PS Form 3817, April 2007 PSN 7530-02-000-9065



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U.S. POSTAGE PAID

NORTHFIELD, MN

55057
JUL 08, 21
AMOUNT

\$1.55

R2304N117626-98



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U.S. POSTAGE PAID

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JUL 08, 21
AMOUNT

\$1.55

R2304N117626-98



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U.S. POSTAGE PAID

NORTHFIELD, MN

55057
JUL 08, 21
AMOUNT

\$1.55

R2304N117626-98

PLAINTIFF'S EXHIBIT "E"



July 14, 2021

Chester Clifton Graham
905 Forest Avenue #214
Northfield, MN 55057

Re: Do Not Call Registry

Dear Mr. Graham,

Per your request, enclosed please find a copy of Charter's Do Not Call policy.

Sincerely,

Charter Communications Legal Department

Legal Department
Charter Communications, Inc.
400 Atlantic Street
Stamford Connecticut 06901

5/3/2019

RE: Do Not Call Policy Request, Ref#: 572-2

Recently you asked our company to provide you with a copy of our "Do Not Call" Policy.

The following information represents our "Do Not Call" policy at the time of your request:

"Do Not Call" Policy

Policy last updated: 05/03/19

Policy version # : 2

I. Charter's Company-Specific List. In conducting telemarketing campaigns, Charter, or its third party telemarketing vendor, as the case may be, shall establish and maintain a company-specific DNC list (the "Charter DNC List"), which shall include those consumers who have directly requested to Charter, or its telemarketing vendor, that they not be called for telemarketing purposes. Any such consumer requests may be made at any time, by telephone or in writing. The individuals on the Charter DNC List shall be excluded from future telemarketing solicitations for the sale of Charter's products and services.

- To implement DNC requests, Charter or its telemarketing vendor must (1) record each DNC request, regardless of the form in which it is made at the time of the request, and (2) place the consumer's telephone number on the Charter DNC List at the time such DNC request is made. The process of recording a DNC request and deleting a requesting person's phone number from Charter's telemarketing lists will be completed as expeditiously as possible, but in no event longer than thirty (30) days.

- Charter and its third party telemarketers shall maintain records of DNC requests and they shall be maintained for a minimum of five (5) years from the date created.

- Any DNC request shall be taken as a request for all campaigns going forward, not just the current campaign giving rise to the call, unless otherwise specified or requested by the consumer.

- If you notify us that you received a telephone call from Charter after being placed on the Charter DNC list, our customer service representative will immediately notify a manager or supervisor. The manager or supervisor shall investigate the matter, determine the source of any error, take any corrective measures (if necessary), and confirm that your telephone number is on the Charter DNC List. Upon request, we will mail a confirmation to you that your telephone number is on the Charter DNC List.

II. National and State Do Not Call Lists and Telemarketing Laws. Charter shall not telemarket to consumers' phone numbers registered with the National DNC list or State DNC lists, unless Charter has an "existing business relationship" (EBR) with the consumer, as defined in the relevant statute and as allowed by the FTC, FCC or the applicable State. However, once a consumer with an existing business relationship with Charter requests directly to Charter or its telemarketing vendor to be placed on the Charter DNC List, that consumer's telephone number shall be placed on the Charter DNC List and neither Charter nor its telemarketing vendor will make future telemarketing sales calls to such number.

- Charter or its telemarketing vendor shall update the Charter DNC List in accordance with the requirements of all applicable Federal and State law. Charter shall incorporate the National and applicable State DNC lists as frequently as required.

- Charter or its telemarketing vendor shall ensure that it is complying with all other federal and applicable state telemarketing laws including registration requirements, call identification and required oral disclosures, calling time restrictions, caller ID requirements, etc.

III. Automated Calls – ADAD or Pre-Recorded Calls. All outbound automated sales calls shall comply with state and federal laws governing such calls. All DNC requests shall be honored as to automated calls as well as live calls.

IV. Sales Calls to Cell Phones. No unsolicited outbound automated telephone calls shall be made to any cell phone unless prior express written consent of the called party has been obtained (even to EBR customers). Charter or its telemarketing vendor shall also scrub lists against the Direct Marketing Association's ("DMA") "Wireless Block Identifier Service," which identifies blocks of numbers assigned to wireless phones (see <http://preference.the-dma.org/products/wireless.shtml>) and against services for ported numbers (every 15 days) (see <http://preference.the-dma.org/products/WirelessPortedNumbers.shtml>; <http://www.tcpacompliance.com>).

V. Training. All personnel directly engaged in any aspect of telephone solicitation on behalf of Charter are routinely trained in the existence and use of the Charter DNC List (as well as the National DNC list or State DNC lists).

The Federal Trade Commission offers a free service to consumers that allows them to register their residential and mobile phone numbers on a National Do Not Call Registry. Unlike the Charter DNC List, which is specific to our company, this is a national list that covers other U.S. companies. Consumers may add their residential or mobile phone numbers to the National Registry by calling 888-382-1222 or submitting a request online at www.donotcall.gov. It may take several weeks before you notice a reduction in telemarketing calls.

If you have any questions, comments or concerns please contact the Legal Department at 400 Atlantic Street, Stamford, CT 06901.

Chester C. Graham
905 Forest Avenue #214
Northfield MN 55057-1699

Charter Communications, LLC dba Spectrum
c/o Corporation Service Company
2345 Rice Street
Suite 230
Roseville MN 55113